

(DRAFT Order 1050.1E Chapter 1)
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CHAPTER 1. GENERAL

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1. PURPOSE. This order provides Federal Aviation Administration (FAA) policy and procedures to ensure agency compliance with the requirements set forth in the Council on Environmental Quality (CEQ) regulations for implementing the provisions of the National Environmental Policy Act of 1969 (NEPA), 40 Code of Federal Regulations (CFR) parts 1500-1508; Department of Transportation (DOT) Order DOT 5610.1C, Procedures for Considering Environmental Impacts; and other related statutes and directives.

2. DISTRIBUTION. This order is distributed to the division level in the Washington headquarters, regions, and centers with a limited distribution to all field offices and facilities.

3. CANCELLATION. Order 1050.1D, Policies and Procedures for Considering Environmental Impacts, dated December 5, 1986, including Changes 1-4, is cancelled.

4. BACKGROUND. NEPA and its implementing regulations, promulgated by CEQ in accordance with Executive Order (E.O.) 11514, Protection and Enhancement of Environmental Quality, March 5, 1970, as amended by E.O. 11991 (sections 2(g) and 3(h)), May 24, 1977, establish a broad national policy to protect the quality of the human environment, and provide policies and goals to ensure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government. Section 101 of NEPA sets forth Federal policies and goals to encourage productive harmony between people and their environment. Section 102(2) provides specific direction to Federal agencies, sometimes called "action-forcing" provisions (40 CFR 1500.1(a), 1500.3, and 1507) on how to implement the goals of NEPA. The major provisions include the requirement to use a systematic, interdisciplinary approach (section 102(2)(A)) and develop implementing methods and procedures (section 102(2)(B)). Section 102(2)(C) requires detailed analysis for proposed *major Federal actions* significantly affecting the quality of the human environment, providing authority to prepare environmental impact statements (EIS). Section 102(2)(E) provides authority for preparing environmental assessments (EAs).

5. EXPLANATION OF CHANGES. This revision:

a. Reflects current environmental requirements.

b. Provides a procedure for program offices to adopt supplemental guidance in consultation with the Office of Environment and Energy (AEE) and the Office of Chief Counsel (AGC) (see paragraph 7).

c. Adds a reference in the paragraph on "Initial Review" (paragraph 201) and paragraph 15, Appendix 1, Analysis of Environmental Impact Areas, to the use of

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demographic information of the geographic area of potentially significant impacts for purposes of anticipating and responding to public concerns about environmental justice and children in accordance with E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), the accompanying Presidential Memorandum, DOT Strategy on Environmental Justice (60 FR 33896, June 25, 1995), DOT Order 5610.2 (62 FR 18377, April 15, 1997), CEQ Environmental Justice: Guidance Under the National Environmental Policy Act (December 10, 1997), EPA Guidance for Consideration of Environmental Justice in Clean Air Act Section 309 Reviews (July 1999), E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), and 40 CFR 1501.2(c), 1507.2(d), and 1508.27(b)(2) (see paragraph 200c(4) and appendix 1, section 16).

d. Has been reorganized to consolidate all categorical exclusions, including new and modified categorical exclusions for all FAA programs, into chapter 3 while eliminating the separate appendixes and their respective categorical exclusions for each program. New and modified categorical exclusions have been added to those under Chapter 3 from the Office of Airports and the Office of Commercial Space Transportation (see Figure 3-2, Categorical Exclusions List). For reference, offices that originated and would normally use a categorical exclusion are listed in parentheses following each categorical exclusion. Additions and modifications to categorical exclusions are identified in bold in figure 3-2.

e. Has been reorganized to place the types of actions that normally require preparation of EAs and EISs for all programs into Chapters 4 and 5, respectively. Appendix 6, Airports, of Order 1050.1D (which references FAA Order 5050.4A, Airport Environmental Handbook, October 8, 1985) is continued as appendix 3 of this order. Order 5050.4A will be updated to ensure consistency with this order in consultation with AEE (Environment and Energy Team, AEE-200) and AGC (Environmental Law Branch, AGC-620).

f. Provides guidance for air traffic to accept the U.S. Department of Defense's (DOD) use of a categorical exclusion for actions relating to a request for designation of special use airspace when that request is subject to a categorical exclusion under the regulations of the requesting military department, except when FAA actions are subject to an EA, in accordance with a Memorandum of Understanding, dated January 26, 1998 (see paragraph 303c).

g. Adds a reference to Tribes in defining extraordinary circumstances when actions are likely to be highly controversial on environmental grounds based on concerns raised by a Federal, State, Tribal, or local government agency or by a substantial number of the persons affected by the action (see paragraph 304i); likely to violate Tribal water quality standards under the Clean Water Act and Safe Drinking Water Act (see paragraph 304h), or air quality standards established under the Clean Air Act Amendments of 1990 (see paragraph 304g); or likely to be inconsistent with any Tribal law relating to environmental aspects of the proposed action. Includes new guidance on government-to-government

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consultation with Tribes, in accordance with Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, dated May 14, 1998 (63 FR 27655, May 19, 1998), and Presidential Memorandum on Government-to-Government Relations with Native American Tribal Governments, dated April 29, 1994 (59 FR 22951, May 4, 1994) (see paragraph 212). Incorporates references to tribal consultation into appendix 1, section 11 on cultural resources, in accordance with regulations governing section 106 consultation under the National Historic Preservation Act (36 CFR part 800) and compliance with the Native American Graves Protection and Repatriation Act (43 CFR part 10), the American Indian Religious Freedom Act of 1978 (P.L. 95-341), and E.O. 13007, Indian Sacred Sites (61 FR 26771, May 29, 1996).

h. Provides guidance on intergovernmental review of agency actions that may affect State and local governments, in accordance with Executive Order 12372, Intergovernmental Review of Federal programs (July 14, 1982), and 49 CFR part 17, Intergovernmental Review of DOT Programs and Activities (see paragraph 210).

i. Provides guidance for determining when it may be useful to document that a project qualifies for categorical exclusion (see paragraph 305).

j. Provides procedures for adopting EAs prepared by other agencies (see paragraph 404d), as recommended by CEQ in its Memorandum: Guidance Regarding NEPA Regulations (48 FR 34263, July 28, 1983).

k. Provides a new optional procedure for joint documents that include both findings of no significant impact (FONSI) and decision documents (see paragraph 408).

l. Provides a new optional procedure for preparing scoping documents (see paragraph 505).

m. Provides a new optional procedure for publishing records of decisions (RODs) in the Federal Register (see paragraph 512e).

n. Provides a new procedure for circulating supplemental environmental information, such as reports, for public comment on points of concern, regarding environmental impacts set forth in an EIS (see paragraph 516d).

o. Provides a new procedure for integrating Clean Water Act section 404 permitting requirements and NEPA (see section 18, Appendix 1, Analysis of Environmental Impact Areas).

p. Provides revised appendices for analyses of environmental impact areas (appendix 1, replacing Attachment 2 of Change 4 of 1050.1D) and third-party contracting (appendix 4).

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q. Provides new appendices containing: CEQ scoping guidance (appendix 5); CEQ's "40 Most Asked Questions" (appendix 9); and Order DOT 5610.2, Environmental Justice in Low-Income Populations and Minority Populations (appendix 10).

r. This order adds the following new categorical exclusions, or modifies existing categorical exclusions previously provided in order 1050.ID: (changes denoted by **bold text**)

(1) Administrative/General Actions:

(a) Issuance of Notices to Airmen (NOTAMS), which notify pilots and other interested parties of interim or temporary conditions. (AFS, AVN)

(b) FAA actions related to conveyance of land for airport purposes, surplus property, and joint use arrangements that do not substantially change the operating environment of the airport. (APP, AND, ANI, and ASU)

(c) Mandatory actions required under any treaty or international agreement to which the United States is a party, or required by the decisions of international organizations or authorities in which the United States is a member or participant except when the United States has substantial discretion over implementation of such requirements.

(d) Agreements with foreign governments, foreign civil aviation authorities, international organizations, or U.S. Government departments calling for cooperative activities or the provision of technical assistance, advice, equipment, or services to those parties, and the implementation of such agreements; negotiations and agreements to establish and define bilateral aviation safety relationships with foreign governments, and the implementation of such agreements; attendance at international conferences and the meetings of international organizations, including participation in votes and other similar actions.

(2) Certification Actions:

(a) Approvals of aircraft or launch vehicles and engine repairs, parts, and alterations not affecting noise, emissions, or wastes. (All)

(3) Equipment and Instrumentation Actions:

(a) Construction of Remote Communications Outlet (RCO), or replacement with essentially similar facilities or equipment, to provide air-to-ground communication between pilots of general aviation aircraft and personnel in Flight Service Stations (FSS). (AAF, AND)

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(b) Establishment, installation, upgrade, or relocation within the perimeter of an airport: airfield or approach lighting systems, such as Runway End Identifier Lights (REIL), Omnidirectional Airport Lighting Systems (ODALS), **High Intensity Approach Lighting System With Flashers (ALSF-2); Medium Intensity Approach Lighting System with a Runway Alignment Indicator Lighting System (MALSR); Simplified Shortened Approach Lighting System with a Runway Alignment Indicator Lighting System (SSALSR)**; visual approach aids, beacons, and electrical distribution systems, such as Visual Approach Slope Indicators (VASIs) and Precision Approach Path Indicators (PAPIs). (AAF, AND, APP, ANI)

(c) Federal financial assistance or ALP approval or FAA installation of facilities and equipment, other than radars, within a facility or within the perimeter of an airport **or launch facility** (e.g. weather systems, navigational aids, and hygrometers). Weather systems include Automated Weather Observing System (AWOS), Automatic Surface Observation System (ASOS), Runway Visual Range (RVR), Low Level Wind Shear Alert System (LLWAS), other essentially similar facilities and equipment that provides for modernization or enhancement of the service provided by these facilities. Navigational aids include Instrument Landing System (ILS) equipment or components of ILS equipment, other essentially similar facilities and equipment, and equipment that provides for modernization or enhancement of the service provided by that facility. (AAF, AUA, AND, APP)

(d) Federal financial assistance or ALP approval or FAA installation of radar facilities and equipment, within a facility or within the perimeter of an airport **or launch facility, that conform to the current American National Standards Institute/Institute of Electrical and Electronic Engineers (ANSI/IEEE) guidelines for maximum permissible exposure to electromagnetic fields.** Radar facilities and equipment include Terminal Doppler Weather Radar (TDWR), Next Generation Weather Radar (NEXRAD), Precision Runway Monitor (PRM), Airport Surface Detection Equipment (ASDE), Air Route Surveillance Radar (ARSR), Airport Surveillance Radar (ASR), Air Traffic Control Beacon (ATCB), **and other essentially similar facilities and equipment.** In addition, this includes equipment that provides for modernization or enhancement of the service provided by these facilities, such as Radar Bright Display Equipment (RBDE) with Plan View Displays (PVD), Direct Access Radar Channel (DARC), and a beacon system on an existing radar. (AAF, AUA, AND, APP)

(e) Replacement of power and control cables for facilities and equipment, such as airport lighting systems (ALS), **launch facility lighting systems**, airport surveillance radar (ASR), **launch facility surveillance radar**, Instrument Landing System (ILS), and Runway Visual Range (RVR). (AAF, AND)

(f) Acquisition of security equipment required by rule or regulation for the safety or security of personnel and property on the airport **or launch facility** (14 CFR part 107, Airport Security), safety equipment required by rule or regulation for certification

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of an airport (14 CFR part 139, Certification and Operation: Land Airports Serving Certain Air Carriers) or **licensing of a launch facility**, or snow removal equipment. (APP, AST)

(3) Facility Siting and Maintenance Actions:

(a) Federal financial assistance, Airport Layout Plan (ALP) approval, or FAA installation of de-icing/anti-icing facilities that comply with National Pollutant Discharge Elimination System (NPDES) permits or other permits protecting the quality of receiving waters, and for which related water detention or retention facilities are designed not to attract hazardous wildlife, as defined in FAA Advisory Circular 150-5200-33. (AAF, APP)

(b) Federal financial assistance, licensing, or Airport Layout Plan (ALP) approval to build or repair an existing runway, taxiway, apron, or loading ramp, including extension, strengthening, reconstruction, resurfacing, marking, grooving, fillets and jet blast facilities, provided the action will not create environmental impacts outside of an airport or launch facility property. (APP, AST)

(c) Federal financial assistance, licensing, Airport Layout Plan (ALP) approval, or FAA construction or limited expansion of accessory on-site structures, including storage buildings, garages, small parking areas, signs, fences, and other essentially similar minor airport development items. (AAF, AND, APP, AST)

(d) Construction of Remote Transmitter/Receiver (RT/R), or other essentially similar facilities and equipment, to supplement existing communications channels installed in the Air Traffic Control Tower (ATCT) or Flight Service Station (FSS). (AAF, AND)

(e) Federal financial assistance, licensing, or ALP approval for construction or limited expansion of facilities, such as terminal passenger handling facilities or cargo buildings, at existing commercial service airports and launch facilities that do not substantially expand those facilities. (All)

(f) Federal financial assistance, licensing, or FAA grading of land or removal of obstructions on airport or launch facility property, and erosion control measures having no impacts outside of airport property or outside of the launch facility. (AAF, AND, APP, AST)

(g) Construction and installation, on airports or launch facilities, of noise abatement measures, such as noise barriers to diminish aircraft and launch vehicle engine exhaust blast or noise, and installation of noise control materials. (All)

(h) Purchase, lease, or acquisition of three acres or less of land with associated easements and rights-of-way for new facilities. (ASU, AND, AAF)

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(i) Federal financial assistance, Airport Layout Plan (ALP) approval, or licensing of a new heliport on an existing airport **or launch facility that would not significantly increase noise over noise sensitive areas.** (APP, AST)

(j) **Repair or replacement of underground storage tanks (UST), or replacement of UST with above ground storage tanks at the same location.** (AAF)

(k) **Maintenance of existing roads and rights-of-way, including, for example, snow removal, landscape repair, and erosion control work.** (All)

(l) **Federal financial assistance, licensing, Airport Layout Plan (ALP) approval, or FAA action related to topping or trimming trees to meet 14 CFR part 77 (Objects Affecting Navigable Airspace) standards for removing obstructions which can adversely affect navigable airspace.** (All)

(m) Upgrading of building electrical systems or maintenance of existing facilities, such as painting, replacement of siding, **roof rehabilitation, resurfacing, or reconstruction of paved areas, and replacement of underground facilities.** (AAF, AST)

(4) Procedural Actions:

(a) **Actions to return all or part of special use airspace (SUA) to the National Airspace System (NAS) (such as revocation of airspace or a decrease in dimensions or times of use).** (AAT)

(b) **Designation of alert areas and controlled firing areas.** (AAT)

(c) **Establishment or modification of Special Use Airspace (SUA), (e.g., restricted areas, warning areas), and military training routes for subsonic operations that have a base altitude of 3,000 feet above ground level (AGL), or higher.** (AAT)

(d) **Establishment or modification of Special Use Airspace (SUA) for supersonic flying operations over land and above 30,000 feet mean sea level (MSL) or over water above 10,000 feet MSL and more than 15 nautical miles from land.** (AAT)

(e) **Establishment of Global Positioning System (GPS), Flight Management System (FMS), or essentially similar systems, that use overlay of existing procedures.** (AAF, AAT, AFS, AVN, AST)

(f) **Establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); instrument procedures conducted below 3,000 feet (AGL) that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved instrument procedures conducted**

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below 3,000 feet (AGL) that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. **For Air Traffic modifications to procedures at or above 3,000 feet (AGL), the Air Traffic Noise Screening Procedure (ATNS) should be applied.** (AAT, AFS, AVN)

(g) **Establishment of procedural actions dictated by emergency determinations.** (AAT, AST)

(h) **Publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks.** (AAT, AFS, AVN)

(i) **A short-term change in air traffic control procedures, not to exceed six months, conducted under 3,000 feet above ground level (AGL) to accommodate airport construction.** (AAT)

(j) **Tests of air traffic departure or arrival procedures conducted under 3,000 feet above ground level (AGL), provided that: (1) the duration of the test does not exceed six months; (2) the test is requested by an airport or launch operator in response to mitigating noise concerns, or initiated by the FAA for safety or efficiency of proposed procedures; and (3) test data collected will be used to assess operational and noise impacts of the test.**

(k) **Approval under 14 CFR part 161 of a restriction on the operations of Stage 3 aircraft that does not have the potential to significantly increase noise at the airport submitting the restriction proposal or at other airports to which restricted aircraft may divert.** (APP)

(5) Regulatory Actions:

(a) **Issuance of regulatory documents (e.g., Notices of Proposed Rulemaking, and issuance of Final Rules) covering administrative or procedural requirements (not including Air Traffic procedures unless otherwise categorically excluded).** (AFS, AGC)

6. POLICY.

a. The FAA will comply with both the procedures and policies of NEPA and other related environmental laws, regulations, and orders applicable to FAA actions. This policy requires that the FAA decisionmaking process facilitate public understanding and scrutiny by including a consideration of the effect of a proposed action and its alternatives on the quality of the human environment, the avoidance or minimization of adverse effects of proposed actions, and the restoration or enhancement of resources and environmental

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quality of the nation. FAA will integrate NEPA and other environmental reviews and consultations into agency planning processes as early as possible.

b. The environmental review process outlined in this order shall be the focal point for assuring that NEPA and other environmental considerations are taken into account. EISs and EAs/FONSIs document FAA compliance with these considerations and shall reflect a thorough review of all relevant environmental issues, using a systematic, interdisciplinary approach.

c. Funding requirements will be justified and requested in accordance with existing budgetary and fiscal policies. Each FAA program office is responsible for seeking sufficient funds through the budget process to implement provisions of this order.

7. MORE DETAILED GUIDANCE.

a. This order sets forth policy and procedures for implementing NEPA. All FAA offices that have issued supplemental detailed guidance for implementing NEPA within their programs must update their orders within a reasonable time to be consistent with this revised order.

b. A program office may develop more detailed guidance to implement 40 CFR 1507.3 if it is consistent with CEQ regulations and this order.

(1) Development of More Detailed Guidance. The program office shall consult with AEE (Environment and Energy Team, AEE-200) and AGC (Environmental Law Branch, AGC-620) in developing its more detailed guidance, publish notice of availability for comment of its proposed more detailed guidance in the Federal Register, and take other steps to seek public input during the development of its more detailed guidance.

(2) Review. The program office shall submit its proposed more detailed guidance to AEE (Environment and Energy Team, AEE-200) and AGC (Environmental Law Branch, AGC-620) for a 60-day review period. If AEE-1 finds the more detailed guidance to be consistent with this order, after joint consultation with the AGC for legal sufficiency, AEE-200 shall notify the program office and the program office may adopt these as its final guidance.

(3) Notice. The program office shall notify the parties with which it has consulted and publish notice of its final more detailed guidance in the Federal Register.

8. SCOPE.

a. The NEPA process addresses impacts of Federal actions on the human environment, such as noise, socioeconomic, land uses, air quality, and water quality. Chapter 2 of this order presents an overview of the NEPA process and generally applicable

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information. Depending upon the context and intensity of potential impacts, NEPA procedures differ in complexity and duration. Chapter 3 of this order addresses those types of FAA actions that do not normally require preparation of an EA or EIS, called categorical exclusions (see figure 3-2), absent extraordinary circumstances (see paragraph 304). Chapters 4 and 5 of this order outline the processes for preparing EAs and EISs. These procedures apply to classes of FAA actions that may have a significant impact on the human environment. Appendix 1, Analysis of Environmental Impact Areas, presents, for each environmental impact category, brief descriptions of statutory and regulatory requirements and a list of agencies of specialized expertise or legal jurisdiction. Appendixes 3 and 4 provide additional FAA guidance on airports environmental review, and third-party contracting. Appendixes 5-10 provide copies of NEPA, CEQ regulations, CEQ guidance, DOT NEPA procedures, and the DOT order on environmental justice. Appendixes 11-12 provide a list of acronyms, an annotated list of generally applicable executive orders, DOT and FAA orders, memoranda of agreement or understanding, and related CEQ and FAA guidance.

9. RELATION TO CEQ REGULATIONS. This order implements the mandate of NEPA, as defined and elaborated upon by CEQ's regulations, within the programs of the FAA. The order is not a substitute for the regulations promulgated by CEQ, rather, it supplements the CEQ regulations by applying them to FAA programs. Therefore, all program offices and administration offices shall comply with both the CEQ regulations and the provisions of this order.

10. AUTHORITY TO ISSUE CHANGES TO THIS ORDER.

a. When the Administrator has not specifically reserved authority to make changes or updates, the Director of the Office of Environment and Energy (AEE-1) may issue changes or updates to this order, provided:

(1) When a change or update may affect an office or offices, AEE will formally coordinate with that office to afford it an opportunity to review and discuss the proposed change; and

(2) When a change or update is substantial, AEE will:

(a) formally coordinate with the Office of Chief Counsel (AGC), the Office of the Assistant Secretary for Transportation Policy (P-1) and the Office of the General Counsel (C-1), consult with CEQ; and then

(b) publish the proposed change or update in the Federal Register for public comment.

b. Each program office may submit to AEE proposed modifications to this order. For substantial changes, AEE shall initiate formal coordination and consultation with AGC, P-1, C-1, and CEQ, after which the requesting office may continue the inter-

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divisional and interagency coordination and publish public notices and requests for comment in the Federal Register, provided it informs AEE of the proceedings. AEE may participate in the consultation at its option. The Associate or Assistant Administrator for the requesting office's program shall provide AEE with a memo describing the proposed change, a summary of the basis for the change, and, for substantial changes, comments from other program offices, AGC, P-1, C-1, CEQ, other Federal, State, Tribal, and local agencies and the public, as well as FAA's response. AEE will then issue change orders to this order, as needed. For substantial changes, AEE and the requesting office shall coordinate, to the extent possible, public notice in the Federal Register and internal clearance of proposed change orders. Alternatively, AEE may continue the coordination and public notice under subparagraph a, in cooperation with the requesting office.

11. DEFINITIONS.

a. The terminology used in the CEQ regulations (see 40 CFR part 1508 in appendix 8) and Title 49 of the United States Code is applicable.

b. In addition, this paragraph defines basic NEPA and other terms as used throughout this order, as follows:

(1) Approving Official. This is the FAA official who has the authority to approve findings of no significant impact (FONSIs) or environmental impact statements (EISs) (see FAA Order 1100.154A, Delegation of Authority, June 1990, which provides delegation of authority to agency officials to sign environmental documents).

(2) Decisionmaker. This is the FAA official who has authority to approve a record of decision (ROD) or other types of formal decision documents for the agency (see FAA Order 1100.154A, Delegation of Authority, June 1990, which provides delegation of authority to agency officials to sign environmental documents).

(3) Environmental Due Diligence Audit (EDDA). An EDDA is a detailed assessment of past property use with respect to storage, use, and disposal of hazardous materials. An EDDA is prepared using historical record searches, photographic interpretation, and site inspections to determine the likelihood of environmental contamination prior to acquisition by, or transfer to or from, the FAA. Where an EDDA has been determined necessary by the FAA, it will be conducted prior to completing the NEPA document and will be incorporated by reference (see FAA Order 1050.19, Environmental Due Diligence Audits in the Conduct of FAA Real Property Transactions, for further information on EDDAs).

(4) Environmental Studies. The investigation of potential environmental impacts to determine the environmental process to be followed and to assist in the preparation of the environmental document. (see, e.g., 23 CFR 7.107(a)).

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(5) Noise Sensitive Area. An area is noise sensitive if noise interferes with normal activities associated with its use. Noise sensitive areas are residential, educational, health, and religious structures and sites, and outdoor recreational, cultural, wildlife refuges, and historical sites. For example, in the context of noise from airplanes and helicopters, noise sensitive areas include such areas within the DNL 65 noise contour. Individual, isolated, residential structures may be considered compatible within the 65 DNL noise contour where the primary use of land is agricultural and adequate noise attenuation is provided. Also, transient residential use such as motels should be considered compatible within the 65 DNL noise contour where adequate noise attenuation is provided. A site that is unacceptable for outside use may be compatible for use inside of a structure, provided adequate noise attenuation features are built into that structure. (See section 4, table 1, on land use and section 14 on noise in appendix 1 and 14 CFR part 150, Airport Noise Planning, Land Use Compatibility Guidelines). In the context of launch vehicle operations, noise sensitive areas may include such sites within approximately 40 miles of the launch site for launches of very large rockets, whereas noise sensitive areas may include such sites within approximately 2 miles of the launch site for launches of small rockets. In the context of facilities and equipment, such as emergency generators or explosives firing ranges, but not including aircraft, noise sensitive areas may include such sites in the immediate vicinity of operations, pursuant to the Noise Control Act of 1972, (See State and local ordinances, which may be used as guidelines for evaluating noise impacts from operation of such facilities and equipment.)

(6) Responsible FAA Official. This term refers to the FAA employee designated with overall responsibility to furnish guidance and participate in the preparation of NEPA documents, to evaluate the documents, and to take responsibility for the scope and content of the documents (see FAA Order 1100.154A, Delegation of Authority, June 1990, which provides delegation of authority to agency officials to sign environmental documents).

(7) Tribe. In general, the term "Tribe" refers to the recognized tribal government and tribal members (as determined by each tribe) of any tribe, band, nation, Pueblo, or other organized group or community, including any Alaska Native Village (as defined in, or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) that is acknowledged by the Federal government to constitute a tribe with a government-to-government relationship with the United States and eligible for the programs, services and other relationships established by the United States for Indians because of their status as Indians and tribes. Under the Federally Recognized Indian Tribe List Act (P.L. 103-454, 25 U.S.C. 479a, note, to 479a-1), the Department of the Interior annually publishes a list of Federally recognized tribes in the Federal Register. The term "tribe" may also refer to State recognized tribes under specific authorities for certain DOT programs, especially related to surface transportation that may be associated with a particular FAA project.

12.-199. RESERVED

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